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10/600,643	06/23/2003	Eduard Erhardt	Q76086	6122

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EXAMINER
PATEL, CHIRAG R

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- . Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

        1. ☒ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. A review of applicant's specs fails to show or even hint any indication of "wherein only the first computer receives data from the data communications network and only the second computer transmits data to the data communications network" Applicant's disclosure discloses "The receipt of data from the data communications network is limited to the first computer, and the transmission of data to the data communications network is limited to the second computer"

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, it is unclear as to the limitations of "store non-verified or non-

verifiable data received by *the first computer in the second computer* only in non-

processable form"

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Midgley et al. – hereinafter Midgley (US 6,526,418) in view of Radatti et al. –

hereinafter Radatti (US 7,093,135).

As per claim 1, Midgley discloses a computer system connected to a data

communications network, comprising:

a first computer; (Col 4 line 29 – Col 5 line 3)

a second, redundant computer that is independent of the first computer;

wherein the first computer is configured to match with the second computer by

comparing a first work result of the first computer with a second work result of the

second computer; (Col 4 line 29 – Col 5 line 3; creating backup files for a plurality of

data files stored on a server on a computer network, may compare the image signal to

a corresponding image signal that is either stored or created on the backup server to

detect a change in the state of the data structure or in the state of a portion of the data

structure)

wherein receipt of data from the data communications network is limited to the

first computer; (Col 4 line 29-Col 5 line 3)

wherein transmission of data to the data communications network is limited to

the second computer; (Col 4 line 29-Col 5 line 3)

wherein at least an initial processing of the data received from the data communications

network is limited to the first computer; and (Col 12 lines 22-52)

Midgley fails to disclose wherein the first computer is configured to store non-

verified or non-verifiable data received by the first computer in the second computer

only in non-processable form. Radatti discloses wherein the first computer is configured

to store non-verified or non-verifiable data received by the first computer in the second

computer only in non-processable form. (Col 7 lines 10-35; prohibiting a user from

deleting or editing validated macros; prohibiting all macros from running; etc.)   At the

time the invention was made, it would have been obvious to a person of ordinary skill in

the art to wherein the first computer is configured to store non-verified or non-verifiable

data received by the first computer in the second computer only in non-processable

form in the disclosure of Midgley. The motivation for doing do would have been to

identify and secure code, as well as provide virus detection and code authentication

(Col 2 lines 50-55) .

As per claim 2, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley fails to disclose wherein the first computer is configured to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form. Radatti discloses wherein the first computer is configured to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form. (Col 7 lines 40-50; Virus macro removed, Probable virus macro removed, Unauthorized macro removed)   At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to to verify the received data in the first computer, and wherein the first computer is configured to supply only verified data to the second computer in processable form in the disclosure of Midgley. The motivation for doing do would have been to identify and secure code, as well as provide virus detection and code authentication   (Col 2 lines 50-55) .

As per claim 3, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley disclose wherein the first computer and the second computer are configured to independently verify the received data, and wherein only matching verified data are stored in the second computer in processable form. (Col 12 line 53 – Col 13 line 15; the back up system may compare the source files metadata and, may compare its contents)

As per claim 4, Midgley / Radatti disclose the computer system as claimed in claim 1. Midgley discloses further comprising: a central data memory, wherein direct access to internal data of the computer system contained in a central data memory is limited to the second computer; and wherein the first computer is configured to receive the internal data only upon request via the second computer. (Col 4 line 29-Col 5 line 20, Col 6 lines 1-21)

As per claim 6, Midgley discloses a method, comprising: in a first computer, classifying data received from a data communications network as verified data and non-verified data, and producing a first work result representing the verified data;

in the second computer, independently verifying the verified data forwarded from the first computer and producing a second work result based on the independent verification; comparing the first work result with the second work result; and if the first work result and the second work result match, storing the verified data in the second computer. (Col 4 line 29 – Col 5 line 3; creating backup files for a plurality of data files stored on a server on a computer network, may compare the image signal to a corresponding image signal that is either stored or created on the backup server to detect a change in the state of the data structure or in the state of a portion of the data structure)

Midgley fails to disclose forwarding the verified data in processable form and the non-verified data in non-processable form from the first computer to a second computer. Radatti discloses forwarding the verified data in processable form and the non-verified

data in non-processable form from the first computer to a second computer. (Col 7 lines

10-50; prohibiting a user from deleting or editing validated macros; prohibiting all

macros from running; etc.; Virus macro removed, Probable virus macro removed,

Unauthorized macro removed) At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to disclose discloses forwarding the

verified data in processable form and the non-verified data in non-processable form

from the first computer to a second computer in the disclosure of Midgley. The

motivation for doing do would have been to identify and secure code, as well as provide

virus detection and code authentication   (Col 2 lines 50-55).

As per claim 7, Midgley / Radatti disclose the method of claim 6. Midgely

discloses the method of claim 6, wherein only the first computer receives data from the

data communications network and only the second computer transmits data to the data

communications network.   (Col 2 lines 3-20; Col 18 lines 29-48)

As per claim 8, Midgley / Radatti disclose the method of claim 6. Midgley

discloses wherein only the second computer directly accesses internal data contained in

a central data memory, and wherein the first computer indirectly accesses the internal

data only upon request via the second computer. (Col 4 line 29 – Col 5 line 3,Col 18

lines 29-48)

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Midgley et al. – hereinafter Midgley (US 6,526,418) / Radatti et al. – hereinafter Radatti

(US 7,093,135) in view of Mosher, Jr. et al. – hereinafter Mosher, Jr. (US 5,799,323)

As per claims 5 and 9, Midgley /.Radatti disclose the computer system as

claimed in claim 1. Midgley fails to disclose further comprising:

an independent, redundant third computer; and wherein the second computer is

configured to match with the third computer by comparing the second work result of the

second computer with a third work result of the third computer. Mosher Jr. discloses an

independent, redundant third computer; and wherein the second computer is configured

to match with the third computer by comparing the second work result of the second

computer with a third work result of the third computer. (Col 26 lines 6-26)   At the

time the invention was made, it would have been obvious to a person of ordinary skill in

the art to an independent, redundant third computer; and wherein the second computer

is configured to match with the third computer by comparing the second work result of

the second computer with a third work result of the third computer. Mosher Jr. discloses

an independent, redundant third computer; and wherein the second computer is

configured to match with the third computer by comparing the second work result of the

second computer with a third work result of the third computer in the disclosure of

Midgley. The motivation for doing do would have been to provide triple contingency

protection in the rare event of a primary system failure (Col 3 lines 10-22)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R. Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 7:30AM to

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER